

REMARKS

Claims 2-9 have been canceled and new Claims 10-32 presented to more definitely set forth the invention and obviate the rejection. Support for new Claims 10-32 can be found in the Specification on pages 25-33, and 49-51. In addition, the methods exemplified in these new Claims 10-32 are exemplified in tests described in the Specification on pages 39-48 and 49-51. The present amendment is deemed not to introduce new matter. Claims 1 and 10-32 are in the application.

Reconsideration is respectfully requested of the rejection of Claim 1 under 35 U.S.C. § 102(b) as being anticipated by JP 10324602, and the rejection of Claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by JP 05279252. Claim 1 has been amended to indicate that the plant activator is applied to a plant during seedling or at an early growth stage after germination. There is no disclosure whatever in either of these references of that particular limitation which is now found in Claim 1. It is therefore believed that the cited references do not anticipate Claim 1 as amended. Therefore, the Examiner would be justified in no longer maintaining the rejection.

The present invention is used for entirely different purposes than disclosed in the Examiner's cited references. The compositions and method of the present invention are used for activating plants, concretely, for promoting growth of plants, for preventing dormancy of plants, for enhancing tolerance of plants against dry stress, and for promoting growth of fungi. All of these uses are entirely different from the use for inducing formation of flower buds as disclosed in JP 10324602.

In other words, the present invention is related to a growth stage of plants while JP 10324602 is related to a reproductive stage of plants. For this reason, the present invention is not believed to be anticipated by either of JP 10324602 or, JP 05279252.

In general, plants arrive at a reproductive or generative stage after a growth stage. The present inventors have found that the C₄-C₂₄ ketol fatty acid can promote growth of plants which are at a growth stage. If the growth of cereal plants is promoted, for example, the harvest efficiency would be enhanced. Use of a compound for promoting growth of plants is not anticipated by the fact that the compound can induce flower bud formation. See Specification, pages 25-27, and on pages 39-48.

In the course of the growth of plants, the plants can temporarily stop growing, that is, become dormant. The present inventors have found that the C₄-C₂₄ ketol fatty acid can prevent dormancy of plants or terminate dormancy of dormant plants. Use of a compound for preventing dormancy of plants is not anticipated by the fact that the compound can induce flower bud formation. See Specification, pages 27 and 49-50.

Many plants are weakened by dryness, stop growing, and may die. In case of seeds, their failure to germinate can be caused by dryness. The present inventors unexpectedly discovered that the C₄-C₂₄ ketol fatty acid can enhance tolerance of plants against dry stress. See Specification, pages 27-28 and 50-51.

The present inventors also discovered that the C₄-C₂₄ ketol fatty acid can promote growth of fungi. The C₄-C₂₄ ketol fatty acid can proliferate hyphae, and increase the harvest efficiency of carpophores (mushrooms). It is respectfully submitted that use of a compound for promoting growth of fungi is not anticipated by the fact that the compound can induce flower bud formation. See Specification, page 27, lines 1-10, and pages 51-53.

Thus, the above-described four uses of the C₄-C₂₄ ketol fatty acid are quite different from the

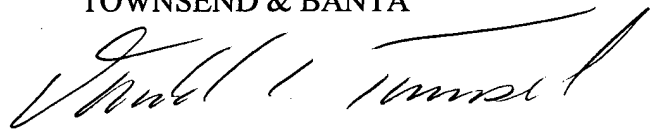
use disclosed in either JP 10324602 or JP 05279252.

For these reasons, it is respectfully submitted that the Examiner's cited references in no way anticipate or render unpatentably obvious the subject matter now called in for this case. Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted

TOWNSEND & BANTA

A handwritten signature in black ink, appearing to read 'Donald E. Townsend', is written over the printed name.

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MARKED-UP VERSION OF AMENDED CLAIM 1

Kindly amend Claim 1 as follows:

1. (Amended) A plant activator comprising a solution C₄-C₂₄ ketol fatty acid as an active ingredient, application of the plant activator to the plant being carried out during seedling or at an early growth stage after germination.